

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



Survey of Public Defenders (SPD) FY 2019 Competitive Grant Solicitation

CFDA # 16.734

Grants.gov Solicitation Number: BJS-2019-15744

Solicitation Release Date: March 29, 2019

Application Deadline: 11:59 p.m. eastern time on May 28, 2019

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Statistics](#) is seeking applications for funding for a national Survey of Public Defenders (SPD). This program furthers the Department's mission by collecting information about attorneys representing clients charged with serious offenses in state courts, including defendants charged with violent crimes. The SPD will fill BJS's knowledge gap about the work of public defenders who provide services to clients charged with serious criminal offenses in state courts, juvenile offenders charged in juvenile courts, and clients involved in the post-conviction process.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants for the preparation and submission to OJP of applications for funding. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

Eligibility (Who may apply): Eligible applicants are national, regional, state, or local public and private entities, including for-profit and nonprofit organizations (including tribal for-profit and nonprofit organizations); faith-based and community organizations; institutions of higher education (including tribal institutions of higher education); units of local government that support initiatives to improve the functioning of the criminal justice system; and federally recognized Indian tribal governments (as determined by the Secretary of the Interior). (A determination by the Secretary of the Interior is not required for tribes to which federal recognition was extended by virtue of Public Law 115-121, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017.)

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

BJS will consider applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as

subrecipients (subgrantees). The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application. For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

BJS may elect to fund applications submitted under this FY 2019 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

Contact information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the Project Manager contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under “Experiencing Unforeseen Grants.gov Technical Issues” in the “How to Apply (Grants.gov)” section in the [OJP Grant Application Resource Guide](#).

For assistance with any other requirements of this solicitation, contact Suzanne M. Strong, Statistician and Project Manager, by telephone at 202-307-0765, or by email at AskBJS@usdoj.gov. Include “SPD” in the subject line.

Post-Award Legal Requirements Notice

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

Deadline details

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on May 28, 2019.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov and to correct in a timely fashion any problems that may have caused a rejection notification.

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

OJP encourages all applicants to read this [Important Notice: Applying for Grants in Grants.gov](#).

For additional information, see the “How to Apply (Grants.gov)” section in the [OJP Grant Application Resource Guide](#).

Contents

A. Program Description	5
Overview	5
Project-Specific Information.....	5
Goals, Objectives, and Deliverables	6
Information Regarding Potential Evaluation of Programs and Activities	14
B. Federal Award Information.....	14
Type of Award	15
Financial Management and System of Internal Controls.....	15
Budget Information	16
Cost Sharing or Matching Requirement.....	16
Pre-agreement Costs (also known as Pre-award Costs)	16
Limitation on Use of Award Funds for Employee Compensation; Waiver.....	17
Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs	17
Costs Associated with Language Assistance (if applicable).....	17
C. Eligibility Information	17
D. Application and Submission Information	17
What an Application Should Include	17
How to Apply (Grants.gov).....	22
E. Application Review Information.....	22
Review Criteria	22
Review Process.....	23
F. Federal Award Administration Information.....	24
Federal Award Notices	24
Administrative, National Policy, and Other Legal Requirements	24
Information Technology (IT) Security Clauses	24
General Information about Post-Federal Award Reporting Requirements.....	24
G. Federal Awarding Agency Contact(s).....	24
H. Other Information.....	24
Freedom of Information and Privacy Act (5 U.S.C. 552 and U.S.C. 552a)	24
Provide Feedback to OJP.....	25
Appendix A: Performance Measures Table	26
Appendix B: Application Checklist	28
Appendix C: Summary of the Survey of Publicly Appointed Defense Attorneys Final Report.....	30
Appendix D: Draft Survey.....	37

Survey of Public Defenders (SPD)

CFDA # 16.734

A. Program Description

Overview

The Bureau of Justice Statistics (BJS) is seeking applications for the testing and fielding of the Survey of Public Defenders (SPD). This study will continue BJS's efforts to collect data on indigent defense in the United States. The SPD will extend the efforts of the [Census of Public Defender Offices](#) (CPDO) and [National Survey of Indigent Defense Systems](#) (NSIDS) to enhance BJS's understanding of the work done by attorneys who represent indigent clients. While the CPDO and NSIDS were conducted at the agency level, the SPD will survey public defenders who provide services to adults and juveniles charged with criminal offenses.

Statutory Authority: Under Section 302 of the Omnibus Crime Control and Safe Streets Act (34 U.S.C. § 10132(c)), BJS is authorized to “make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals” for purposes of collecting and analyzing criminal justice statistics.

Project-Specific Information

The SPD is an extension of BJS's efforts to better understand the roles of the prosecution, defense, and courts in the criminal justice system. Specifically, the SPD will collect data directly from public defenders who provide legal representation to defendants charged with criminal offenses, juvenile offenses, or defendants in post-conviction cases. BJS has never directly collected data from litigating public defenders.

The design for this work was previously awarded in the [Survey of Public Defenders: A Design Study](#) (SPDDS), which was renamed the Design of the Survey of Publicly Appointed Defense Attorneys (DSPADA). However, this first SPD will focus on public defenders and exclude other indigent defense counsel. Applicants are strongly encouraged to review a summary of the final report from this earlier development work, available in [Appendix C](#). While the summary's project recommendations include the use of incentives, BJS is not proceeding with a test of incentives with this solicitation. The recipient of funds will review and revise the survey instrument, review the sampling plan developed in the design work of this collection (the DSPADA), test the outreach and survey follow-up strategies recommended by the DSPADA, and, if the pilot work is successful, conduct a full data collection to complete the project.

The DSPADA defined the universe for the proposed survey as “any attorney who has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year,” including appointed attorneys, public defenders, and contract counsel. BJS is narrowing the focus of this first SPD effort to public defenders for several reasons. First, limiting the universe to public defenders will likely limit the number of contacts required to develop a frame to one per jurisdiction (i.e., the state or county public defender office). Second, public defenders are more likely to be state or county government employees, and the recipient of funds could partner with state or local governments to promote the survey and encourage response. Third, BJS expects that of all three forms of indigent defense

attorneys, public defenders would be the most likely to answer the survey. During its first attempt to survey attorneys, BJS wants to target the universe with the best chance of a successful implementation.

From 2016 to 2018, the DSPADA designed a survey instrument with input from an expert panel of public defenders, appointed counsel, post-conviction attorneys, representatives of various attorney membership groups, and supervisors of managed counsel and public defender systems. The expert panel contributed questions for the survey, reviewed the final survey, recommended the use of incentives to achieve a higher response rate, and recommended that outreach to attorneys be conducted by organizations that support the work of indigent defense attorneys or persons known to the attorneys (e.g., local bar associations, supervisors, or judges). The DSPADA was cognitively tested with eight publicly appointed attorneys, and 10 members of the expert panel offered to contribute to the cognitive test. Survey revisions were suggested in the cognitive test feedback and were incorporated in a final draft of the survey. The survey developed in the DSPADA has a burden of 14 to 30 minutes. More information about the work of the DSPADA and the cognitive test can be found in [Appendix C](#). The survey instrument can be found in [Appendix D](#).

In addition to developing and cognitively testing the survey, the DSPADA worked on the sampling frame. About half of the states have centralized management of indigent defense and can provide lists of all attorneys who provided indigent defense. The DSPADA conducted a pilot test to determine whether local jurisdictions in the remaining decentralized states could provide lists of attorneys and documented the challenges encountered. More information about the dual-frame sampling design can be found in [Appendix C](#). The sampling design may require revisions as the SPD universe is limited to public defenders. A dual-frame design may be feasible, but applicants should also consider alternative sampling designs in their applications.

The recipient of funds will (1) revise the survey instrument to reflect a universe of public defenders rather than all indigent defense attorneys; (2) develop a brief agency-level survey to collect agency-level data that could be used for nonresponse adjustments; (3) review and revise the dual-frame sampling plan proposed by the DSPADA or propose a two-stage or other alternative sampling design; (4) develop a web-based data collection strategy that is compliant with BJS specifications; and (5) pilot test the survey to examine how different contact strategies affect the response rate and whether a sufficient response rate is achievable.

If the project is supplemented, then the recipient of funds will also (6) field the final survey instrument with the recommended contact strategies, outreach, and nonresponse follow-up plans; (7) complete data cleaning, data imputation, and weighting to make the collected data nationally representative; (8) provide BJS with all collected data, including any preliminary files requested by BJS and the final files with documentation (which will include a base file with all responses, a weighted and imputed analysis file, and an archive-ready file); and (9) work with BJS on data analysis.

Goals, Objectives, and Deliverables

The SPD aims to produce national statistics about the estimated 15,000 or more public defenders by testing and fielding a national survey of public defenders.¹

¹ The estimate of 15,000 public defenders is based on the 2007 CPDO. See table 1 in [State Public Defender Programs, 2007](#) (NCJ 228229, BJS web, September 2010).

Objectives

- 1. Review and revise the dual-frame sampling plan designed in the DSPADA.** Roughly half of U.S. states (representing about 33% of the U.S. population) can provide a statewide list of all indigent defense attorneys, while roughly half of the states (representing about 67% of the U.S. population) cannot provide such lists. The DSPADA found that some states thought to be unable to provide statewide lists of publicly appointed defense attorneys could provide the listings for the entire state. However, the project team had to find supplemental sources of information to complete the lists. The recipient of funds will review the lists of states and confirm that states are able (or unable) to provide statewide lists. The recipient of funds will then evaluate the ability of the dual-frame sampling plan outlined in the DSPADA report to produce precise national estimates.

Alternatively, the recipient may propose a new sampling strategy, such as a two-stage sample of public defender offices, by first enumerating all public defender offices and then selecting a certain number of offices and drawing the attorneys from selected offices. The 2007 CPDO could provide the frame for the two-stage sampling design, although the frame must be updated prior to implementation of the two-stage sample.

- 2. Review and revise the survey instrument and outreach strategies described in the DSPADA.** The recipient of funds will review all materials developed in the DSPADA (e.g., promotion of the survey, survey instrument, survey mode, and outreach strategies). Revisions to the instrument should reflect that public defenders are the target universe. The recipient of funds will revise the survey, and BJS will approve the revisions. The pilot data collection can serve as a second cognitive test of the revised survey. The recipient of funds will also develop a brief state-, jurisdiction-, or office-level survey to determine (1) the number of attorneys, (2) aggregate attorney demographics, (3) the number of support staff, (4) office caseload estimates, and (5) any other office characteristics that could assist in a nonresponse bias analysis or subsequent nonresponse adjustment.

If there are revisions to the outreach materials, survey mode, or promotion of the survey, the recipient of funds and BJS will discuss and mutually agree on any adjustments to the project. BJS and the recipient of funds will prepare a generic clearance request to the Office of Management and Budget (OMB) for a pilot test based on this review within six months of the project start date, contingent on changes to the instrument and proposed contact strategies.

- 3. Collect pilot data.** Once the pilot test has received OMB approval, the recipient of funds will test the survey, web-based portal, and outreach strategies with a sample of public defenders by—
 - a. Assuming a universe of at least 15,000 public defenders providing defense in criminal cases. This is likely an undercount but should provide a starting point to generate a recommended sample size for the pilot test and full data collection.
 - b. Testing different outreach strategies. The pilot will test the effectiveness of outreach and endorsement of project. The project team should test project endorsement and outreach done by national or locally known supporters of public defense, and outreach by the project team without endorsement of national or local organizations.
 - c. Testing the response rates to determine how they are affected by endorsement and outreach methods (i.e., examine whether initial and follow-up outreach, and whether different persons/groups doing the outreach, achieve different response rates). To proceed to the full data collection, BJS must also have enough evidence from the

pilot test that the overall response rates will be sufficient to produce national estimates. The pilot test should include cognitive interviewing of respondents to address the revised survey, follow-up interviewing of late respondents to determine which outreach method encouraged response, and interviewing with nonrespondents to determine why none of the methods were successful and what would be needed to encourage response.

- 4. Recommend a data collection strategy based on the pilot test.** Based on the results of the pilot test, the recipient of funds will provide a data collection strategy to BJS. The plan will include recommendations about (1) any revisions to the sampling plan, (2) the most successful outreach strategies, (3) the most successful persons/groups conducting outreach, (4) the recommended size of the sample, given the response rates achieved in the pilot, to ensure a nationally representative sample, and (5) any changes to the instrument or web-based portal.

At this point in the project, BJS will consider the data collection plan and determine whether to commence a full data collection with supplemental funding. The project will go forward in one of three ways: (1) proceed with the recommended full data collection, (2) conduct further pilot testing, or (3) close the project with a determination that a national sample is not achievable.

If full data collection is supported, the recipient of funds will complete objectives 5 and 6 after a project supplement.

- 5. Implement the full data collection.** If BJS determines a full data collection is feasible, BJS and the recipient of funds will submit a full Paperwork Reduction Act (PRA) clearance request to OMB. Once approved, the recipient of funds will proceed with the full data collection.
- 6. Deliver complete data sets to BJS.** While BJS typically seeks a response rate of 80% or higher, it expects to achieve a response rate of about 60% for this effort. To obtain sufficient responses to generate nationally representative statistics, the recipient of funds will develop a sampling strategy to ensure responses from at least 2,500 attorneys. This can include oversampling, developing a reserve sampling plan if response rates stagnate during the collection, or a combination of strategies. Using data collected from the attorney survey and from the brief agency survey, the recipient of funds will address any nonresponse bias. The recipient of funds will provide interim data to BJS for review on request. Near the conclusion of the project, BJS expects at least three final copies of the data to BJS: (1) response file with all original responses and full documentation; (2) analysis file that includes all responses, nonresponses, and any weighting or imputation adjustments; and (3) archive-ready file without any personally identifiable information (PII). All data sets will include data documentation.

If further testing is warranted, the recipient of funds will complete objectives 7 and 8, with the potential for a project supplement.

- 7. Further test the survey.** If BJS determines that a full data collection is not feasible at this point, BJS may decide to close the project or request that the recipient of funds further test the outreach strategies. It may be that the recipient of funds involve more local or national organizations to conduct outreach for the project. If BJS decides to proceed with further

testing, the recipient of funds and BJS will prepare a second generic OMB clearance request and conduct further testing.

8. **Outline recommendations for a full SPD collection in a final report.** The recipient of funds will compile a report outlining the full project and recommendations for a future fielding of the SPD. If further testing does not support a full SPD, the recipient of funds will explain why and recommend alternative strategies to collect the data (e.g., a split sample, where half the sample get the partial survey and the other half get the full survey).

Deliverables

1. **Attend a kickoff meeting and develop a final time/task plan (due within one month of award start date).** A kickoff meeting will be held at BJS's offices in Washington, D.C., within the first month of the project period. During the meeting, project staff will review all phases of the work and finalize a comprehensive time/task plan. Within 2 weeks of the kickoff meeting, the successful recipient of funds will deliver a final timeline and task plan to BJS reflecting all decisions made at the kickoff meeting. The revised timeline and task plan will build on the one presented in the application and will reflect any changes to the project's goals and proposed work. The plan provides a starting point for this cooperative agreement and may be revised throughout the project period.
2. **Develop a Data Management Plan (due within 6 months of award start date).** The recipient of funds must develop and maintain a Data Management Plan (DMP) that describes how data collected under BJS's authority for the project will be handled, processed, maintained, and disposed. The DMP should provide general project information and describe the specific procedures that will be used to handle and process data during the award period. For projects including PII, the DMP should complement the information provided in the Privacy Certificate (28 C.F.R. 22.23) to describe controls in place to protect data confidentiality.

At minimum, the DMP should provide information about the following categories:

- a. Project team—list the project team members (including individuals tasked with drafting and overseeing the DMP), identify their roles, and provide their contact information.
- b. Data elements and characteristics— list the specific data variables that will be collected, data type (e.g., survey or administrative data), and data sources. Identify whether data formats adhere to standard data documentation formats, list associated metadata, as applicable, and specify the standards and data naming conventions used.
- c. Record lifecycle—describe the physical and technical pathways and requirements for data that are collected or maintained for the project, including the data destinations, transport methods from the data provider and to BJS, storage sites and methods, file formats, file sizes, file categories (e.g., PII and public data), sensitivity categorizations, file path locations, backup procedures, and data destruction methods.
- d. Incident response plan—describe the procedures that the award recipient will follow in the event of a real or suspected breach of data, including PII that are collected or maintained in conjunction with the project.
- e. Data use agreements—as applicable, for each data use agreement executed with an external data provider for the project, summarize the terms and requirements for which the award recipient will be responsible and describe the steps to ensure compliance with all applicable terms and requirements (e.g., completing an

- institutional-review-board process, encrypting data in transit and at rest, limiting access to PII, and ensuring the technical and physical security of data, including through data access protocols). Where applicable, summarize mitigations for data-security, ethical, intellectual-property, and privacy issues.
- f. Data archiving—describe what data elements and how data will be prepared for archiving and what level of access will be assigned (e.g., as public use files, restricted access, or other).
 - g. Staff training—list the specific trainings that project staff must complete as a condition of funding and the completion dates.
 - h. Resources—identify and describe the equipment, expertise, and software tools used to complete project activities, including data curation, data exchange, and access between parties.

The DMP should be completed in collaboration with the BJS Project Manager and submitted to BJS for review and approval no later than 60 days after the award start date. The award recipient is required to maintain an updated version of its DMP throughout the project period and receive written BJS approval prior to making changes to the approved plan. The award recipient should submit an updated copy of the DMP for review with its semi-annual progress reports and at any time on request by BJS.

- 3. Revise the survey to reflect questions appropriate for public defenders (due within 3 months of award).** The original SPDDS solicitation asked the project team to define the term “public defender.” The project team included public defenders, private attorneys who also accept indigent defense assignments (often called appointed attorneys), and private attorneys or firms who contract with state courts or governments to take some or all indigent defense cases (often called contract attorneys). BJS remains concerned over potential response rates and prefers to limit the first attempt to surveying public defenders. The recipient of funds will revise the survey instrument developed for the broader definition to fit the narrower scope of the project.
- 4. Collect data from the frame of attorneys (due within 5 months of award).** The recipient of funds should also plan to develop a separate, brief survey to collect office-, agency-, or state-level data (depending on the sampling plan) so that responding attorneys and nonresponding attorneys can be compared. At minimum, this survey should include (1) the number of attorneys, (2) attorney demographics for the office, (3) the number of support staff, (4) office caseload estimates, and (5) any other office characteristics that could assist in a nonresponse bias analysis.
- 5. Review and revise the sampling plan proposed in the DSPADA, and confirm the project can proceed in a written report (due within 8 months of award).** The recipient of funds will determine whether to proceed with the dual-frame sampling plan developed in the DSPADA, to develop a two-stage sampling plan using frame information from the 2007 CPDO or to develop a different sampling plan for public defenders. The sampling plan may include a reserve sampling plan to ensure sufficient response. If the recipient of funds proceeds with the dual-frame plan, they will confirm that states are still able or unable to provide lists of all public defenders. The recipient of funds may need to adjust its record of states able and unable to provide attorney lists. If the state or substate jurisdiction responsible for employing public defenders so prefers, the recipient of funds will work with it to develop an anonymized sampling strategy. If the recipient of funds proceeds with a two-stage design, they must verify and update the frame developed in the 2007 CPDO (to be

provided to the recipient of funds on award). BJS also encourages the recipient to consider and propose other sampling strategies.

The recipient of funds will review the promotional plans, survey instruments, recommended modes of survey data collection, and nonresponse follow-up strategies recommended in the DSPADA. BJS and the recipient of funds may make adjustments to the project, but the recipient of funds must confirm that the project can be completed after all the revisions are made, prior to submission to OMB for clearance. The proposed sampling plan, written confirmation that states have not changed in their ability to provide statewide lists of attorneys for a dual-frame sample, a verified frame of public defender offices for a two-stage sample, and the written confirmation that the recipient of funds can complete the project will be compiled into a report submitted to BJS for approval.

- 6. Develop a secure web portal through which respondents can complete the SPD (due within 8 months of award).** The recipient of funds will develop a secure web portal for the administration of the survey. At a minimum, the web tool should—
- Have a user-friendly interface that minimizes respondent burden and provides simple modes of data submission. This includes less than a 2-second response time and supports the expected load of concurrent users.
 - Work with Internet Explorer, Firefox, Safari, and Chrome browsers.
 - Work on different platforms (e.g., laptop, mobile phone, iPad, Chromebook).
 - Provide respondents with clear and understandable instructions and descriptions of the key content areas of the survey.
 - Allow respondents to download a copy of the paper version of the survey for reference.
 - Allow respondents to easily save their progress and return to where they left off in subsequent visits.
 - Provide respondents with a summary of their answers, which the respondents can also save for their own records, to verify before final submission.
 - Enhance the item response rate and internal validity of answers. For example, items listed with skip patterns should enforce skip pattern rules in the web form.
 - Ensure the privacy of submitted questionnaires per the DMP. The web instrument should provide a means for secure and private sign-on for respondents.
 - Be able to easily export all data elements in XLSX and CSV format to BJS.
 - Be able to provide biweekly preliminary data files (in XLSX or CSV format) to track overall unit and item response rates and performance of questions to BJS.

The web portal will be used in the pilot test. Any changes to the survey or web portal should be made after BJS approves the recommendations in the pilot test report (see Deliverable 9). The recipient of funds should review the survey developed in the DSPADA and make any revisions so that the pilot test includes the actual instrument proposed for the SPD. The initial web portal and programmed version of the survey instrument will serve as Deliverable 6.

- 7. Prepare a draft generic clearance request to OMB and conduct the pilot data collection (due within 9 months of award).** BJS and the recipient of funds will prepare the memorandum and required attachments to submit a generic clearance request to OMB to conduct the pilot test. For budgeting purposes, applicants should plan for a sample size of 250 to 300 attorneys. The pilot test will include a test of outreach strategies (e.g., no project endorsements, and project support and endorsement from organization(s) known to public

defenders). In the project narrative, the applicants will justify the proposed sample size for the pilot test. The recipient of funds should also plan to contact nonrespondents and late respondents to ask why they did or did not respond to the survey. This information will be used to refine contact strategies and assist the development of a nonresponse bias analysis, should BJS proceed with a full data collection. The recipient of funds should include a description of this follow up in its initial application and budget. The DSPADA project report also recommended that organizations known to the public-defender community conduct survey outreach. The pilot test should examine the accuracy of this assumption by testing different organizations providing follow up.

8. **Prepare a pilot test report (due within 14 months of award).** The pilot test will culminate in a pilot test report, outlining the response rates, adjustments to sampling plans, and effectiveness of outreach strategies. BJS expects some response-rate issues. The recipient of funds should plan for either a larger sampling pool, a reserve sampling strategy, or some combination of the two, based on the outcomes of the pilot test. In the event the full collection's response rates begin to stagnate, the recipient of funds can engage the reserve sample to ensure enough survey responses are generated in the full data collection. The pilot test report should also include any recommendations to revise the survey or the web portal.
9. **Deliver data collected in the pilot test (due within 14 months of award).** When submitting the pilot test report (Deliverable 8) to BJS, the recipient of funds will also deliver all data collected during the pilot project, along with supporting data documentation.
10. **Finalize the web portal and survey instrument (due within 15 months of award).** Upon approval from BJS, the recipient of funds will revise the web portal or survey instrument as reported in Deliverable 8. The fully tested and complete web portal and the programmed version of the survey instrument will be submitted shortly after the pilot test report is approved.
11. **BJS will decide whether the project will proceed with a full data collection, proceed with further testing, or be closed.** After the submission of deliverables 8-10, BJS and the recipient of funds will determine whether the project should be supplemented for a full data collection, supplemented for further testing based on the results of the pilot test, or closed. The recipient of funds should address all three scenarios in the application.

For a full data collection, the recipient of funds will produce Deliverables 12 and 13 after supplemental funding. For further testing, the recipient of funds will produce Deliverables 14, 15, and 16, likely after some supplemental funding. For project closure, the recipient of funds will prepare the final project report (as required in all awards), outlining the entirety of the project, and document the reasons a full data collection could not proceed in that report.

If BJS chooses to proceed with full data collection—

12. **After receiving clearance, conduct the data collection (with biweekly reports on data collection progress from 18 to 36 months of award start date).** BJS and the recipient of funds will prepare and submit a request to OMB for a PRA clearance. After OMB approval, the recipient of funds will implement the survey sampling plan; obtain the attorney lists from the states, primary sampling units (PSUs), or offices; and implement the survey promotional materials with any modifications developed during the pilot test process. The recipient of funds should plan for a sample size that will generate at least 2,500 completed responses.

This sample size will be based on the expected response rate developed during the pilot test. For budgeting purposes, the recipient of funds should expect a 60% response rate, or a full sample of at least 4,000 to 4,200 attorneys. The recipient of funds will (1) contact states, counties, or offices (or other government units) to complete the brief program-level survey and request the lists of public defenders, or (2) develop a suitable anonymized sampling strategy, if requested.

The recipient of funds will then select the respondents and conduct the data collection, with appropriate nonresponse follow up. If necessary, the recipient of funds will engage the reserve sampling plan. The recipient of funds and BJS will determine the use of the reserve sampling plan after considering data-collection progress reports. At minimum, the data-collection progress reports will document the overall response rate, the timing of follow-up outreach, any effects of that outreach on response rates, engagement of the reserve sampling plan (if developed), unit and item nonresponse rates, inconsistencies in reported data, and number of respondents remaining to obtain 2,500 responses. The reports are typically generated on a biweekly basis and submitted to BJS via email and discussed during project calls.

- 13. Deliver data and documentation from the full data collection (due within 30 to 36 months of award).** During data collection, BJS may request preliminary copies of the data to ensure that the responses to questions make sense and that data is being properly converted from survey to storage. The recipient of funds should describe in the project narrative how data collected as part of the BJS-funded activities will be delivered to BJS, including in what format and at what anticipated frequency. Multiple data files may be required. At minimum, there will be (1) the initial data file, including all responses to the survey; (2) an analysis data file with all weights and imputations clearly identified; and (3) a public-use data file, which is the analysis file stripped of any PII. The recipient of funds and BJS Project Manager will determine the file format prior to delivery, which will most likely be SAS, STATA, or SPSS format. The data and data structure documentation are required final deliverables for this Deliverable 13 and shall be subject to review and approval by BJS's Technology and Management Unit. Depending on project expenditures, BJS may ask the recipient of funds to provide data analysis for a BJS published report. The recipient of funds will work with BJS to determine the analyses for the report and may provide some of the statistical code or output for some of the analyses.

If BJS does not proceed with full collection but proceeds with further pilot testing—

- 14. Prepare a second draft generic clearance request to OMB for further testing of the SPD (due within 18 to 24 months of award start date).** Based on the first pilot test, the recipient of funds and BJS will determine the parameters of the second phase of testing. BJS and the recipient of funds will submit a generic clearance request to OMB.
- 15. Conduct the second phase of testing and deliver a report (due within 30 to 36 months of award).** After approval by OMB, the recipient of funds will conduct the second phase of testing. At the conclusion of the second test, the recipient of funds will use the results of the first pilot test (see Deliverable 8), identify the areas for concern that prompted the second test, and the results of the second test in a report. The recipient of funds should plan for this report to be a published product and will comply with BJS third-party publication standards.
- 16. Deliver data collected in the second phase of testing (due within 36 months of award start date).** When submitting the second-phase test report (Deliverable 15) to BJS, the

recipient of funds will also deliver all data collected in the second phase of testing, along with supporting data documentation.

Applicants should describe in the project narrative how data collected as part of the BJS-funded activities will be delivered to BJS, including in what format and at what anticipated frequency. On award, following consultation with and direction by the BJS Program Manager, award recipients will provide the specific data structure documentation to BJS as a final deliverable. At minimum, the data documentation structure must include the expected names, formats, and allowable values for each data element. The data structure documentation is a required final deliverable and shall be subject to review and approval by BJS's Technology and Management Unit.

The data collection will include PII, such as name, age, and other identifying information, which will not be released in the public data sets. However, an individual respondent might be identified using a mix of location and date of reference if the respondent is the only attorney providing services in an area and the area itself is identified. As such, the final archive-ready data file will be scrubbed of any county or state identifiers that may be linked to an individual. The data set is intended to be representative of the nation, not of a state or county, and as such, state and county identifiers are unneeded in the archive-ready file. These identifiers should be included in the analysis file that is intended only for BJS use.

BJS award recipients that serve as data collection agents may need to pass an OJP background check. They may also be required to complete some of their work on the OJP network using OJP-hosted applications. OJP may request copies of the codebase, database, and related documentation for any applications developed using BJS funds. Required documentation includes functional specifications and installation instructions.

The Goals, Objectives, and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under [What an Application Should Include](#).

Information Regarding Potential Evaluation of Programs and Activities

Applicants should note OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section entitled "Information Regarding Potential Evaluation of Programs and Activities."

B. Federal Award Information

Maximum number of awards BJS expects to make	1
Estimated maximum dollar amount for each award	\$350,000 initially; up to \$1,000,000 total
Period of Performance start date	October 1, 2019
Period of Performance duration	15 months initially; 36 months if full data collection

BJS may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP will consider, among other factors, the availability of appropriations, when the program or project was last competed, OJP's strategic priorities, and OJP's assessment of both the

management of the award (for example, timeliness and quality of progress reports), and the progress of the work funded under the award.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

Type of Award

BJS expects to make any award under this solicitation in the form of a cooperative agreement, which is a type of award that provides for OJP to have substantial involvement in carrying out award activities. See the “Administrative, National Policy, and Other Legal Requirements” section of the [OJP Grant Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants (and cooperative agreements).

Cooperative agreements include a condition in the award document that sets out the nature of the “substantial federal involvement” in carrying out the award and program. Generally stated, under OJP cooperative agreement awards, responsibility for the day-to-day conduct of the funded project rests with the recipient. OJP, however, may have substantial involvement in matters such as substantive coordination of technical efforts and site selection, as well as review and approval of project work plans, research designs, data collection instruments, and major project-generated materials. In addition, OJP often indicates in the award terms and conditions that it may redirect the project if necessary.

In addition to an award condition that sets out the nature of the anticipated “substantial federal involvement” in the award, cooperative agreements awarded by OJP include an award condition that requires specific reporting in connection with conferences, meetings, retreats, seminars, symposia, training activities, or similar events funded under the award.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See [OJP Grant Application Resource Guide](#) for additional information.

Information System Security and Privacy Requirements

Award recipients and subrecipients that serve as BJS data collection agents to collect, receive, handle, maintain, transfer, process, store, or disseminate PII (e.g., names, Social Security numbers, last-known addresses, or FBI, state, or DOC ID numbers) under BJS’s authority in conjunction with the funded activities must maintain the appropriate administrative, physical, and technical safeguards to ensure that information systems are adequately secured and protected against unauthorized disclosure, in accordance with applicable federal laws, regulations, and other authorities.

Specifically, BJS award recipients and subrecipients are required to, as applicable—

- Follow the [DOJ Cybersecurity and Privacy Rules of Behavior for General Users](#), which pertain to the use, security, and acceptable level of risk for U.S. Department of Justice (DOJ) systems and applications.

² The “Part 200 Uniform Requirements” means the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- Assess and secure information systems in accordance with the [Federal Information System Modernization Act](#) (FISMA) (P.L. No. 107-347), which appears as Title III of the [E-Government Act of 2002](#) (P.L. No. 107-347).
- Adhere to [NIST](#) guidelines to categorize the sensitivity of all data collected or maintained on behalf of BJS.
- Once the system has been categorized, secure data in accordance with the Risk Management Framework specified in [NIST SP 800-37 rev. 1](#).
- Employ adequate controls to ensure data are not comingled with any other data set or product without the express written consent of BJS.
- Reduce the volume of PII collected, used, or retained to the minimum necessary.
- Limit access to identifiable data to only those individuals who must have such access.
- Limit use of identifiable data to only the purposes for which it was approved.
- Notify BJS, within one hour of discovery, of all security incidents that impact a FISMA-defined information system used to support award activities.
- Log all computer-readable data extracts from databases holding sensitive information and ensure each extract including sensitive data has been erased within 90 days or that its use is still required.
- Ensure all contracts involving the processing and storage of PII comply with DOJ policies on remote access and security incident reporting.
- Complete data security and confidentiality trainings.
- Employ formal sanctions for anyone failing to comply with DOJ policy and procedures, in accordance with applicable laws and regulations.

Applicants are advised that OJP may audit the FISMA-defined information systems that are used by award recipients during the performance period, to assess compliance with federal laws and regulations related to data management and security.

To ensure that applicants understand the applicable information system security and privacy requirements, BJS encourages prospective applicants to review the relevant provisions of the BJS Data Protection Guidelines, which summarize the federal statutes, regulations, and other authorities that govern data collected and maintained under BJS's authority. The guidelines are available at https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

Budget Information

Cost Sharing or Matching Requirement

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

Pre-agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs **before** submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider

approving pre-agreement costs, the applicant may contact the point of contact listed on page 2 of this solicitation, for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide Postaward Requirements at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

Limitation on Use of Award Funds for Employee Compensation; Waiver

For applicants seeking the waiver, see [OJP Grant Application Resource Guide](#) for information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events. See [OJP Grant Application Resource Guide](#) for information.

Costs Associated with Language Assistance (if applicable)

See the [OJP Grant Application Resource Guide](#) for information on costs associated with language assistance that may be allowable.

C. Eligibility Information

For eligibility information, see title page.

For information on cost sharing or matching requirements, see [Section B. Federal Award Information](#).

D. Application and Submission Information

What an Application Should Include

For this solicitation, BJS has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, Budget Narrative, and Appendices.

See the “Application Elements and Formatting Instructions” section of the [OJP Grant Application Resource Guide](#) for information on, among other things, what happens to an application that does not contain all the specified elements, or that is nonresponsive to the scope of the solicitation.

1. Complete the Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

Intergovernmental Review: This solicitation (“funding opportunity”) **is not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- Written for a general public audience.
- Submitted as a separate attachment with “Project Abstract” as part of its file name.
- Single-spaced, using a standard 12-point font (such as Times New Roman) with 1-inch margins.

As a separate attachment, the project abstract will not count against the page limit for the program narrative.

3. Program Narrative

The program narrative should not exceed 30 double-spaced pages, using a standard 12-point font (Times New Roman preferred), with 1-inch margins. Pages should be numbered. These limitations apply to tables and figures included within the narrative. The project abstract, table of contents, and government forms do not count toward the 30-page limit.

If the program narrative fails to comply with these length-related restrictions, BJS may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative and are discussed in detail in Section E:³

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures
OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the goals, objectives, and deliverables identified under “Goals, Objectives, and Deliverables” in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

Performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

The application should demonstrate the applicant’s understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

³ For information on subawards (including the details on proposed subawards that should be included in the application), see “Budget Information and Associated Documentation” under [Section D. Application and Submission Information](#).

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

The recipient of funds will be required to submit quarterly performance data in a matter to be determined at the kickoff meeting. Prior submissions include monthly or quarterly Excel spreadsheets tracking progress on project deliverables, and reports on request of BJS. Because this is a data collection grant, progress is measured mainly on the basis of delivering the expected data, including any pilot test data.

- e. Appendices (not counted against the 30-page program narrative limit) include—
 - i. Bibliography or references.
 - ii. Any tools, instruments, tables, charts, or graphs pertaining to the proposed project that are supplemental to such items included in the main body of the narrative.
 - iii. Curriculum vitae or résumés of the principal investigator and any and all co-principal investigators. In addition, curriculum vitae, résumés or biographical sketches of individuals (regardless of investigator status) who will be significantly involved in substantive aspects of the proposal (including individuals such as research methodologists or statisticians serving as consultants to develop sampling strategies; and experts familiar with gathering data from publicly appointed attorneys).
 - iv. List (to the extent known) of all proposed project staff members, including those affiliated with the applicant organization or any proposed subrecipient organization(s), any proposed consultant(s) and contractors (whether individuals or organizations), and any proposed members of an expert panel for the project (if applicable). The list should include, for each individual and organization: name, title (if applicable), employer or other organizational affiliation, and roles and responsibilities proposed for the project.
 - v. A detailed proposed project timeline with expected milestones and level of staff effort for each phase of work.
 - vi. List of any previous and current BJS awards to applicant organization and investigator(s), including the BJS-assigned award numbers and a brief description of any scholarly products that resulted in whole or in part from work funded under the BJS award(s).
 - vii. Letters of cooperation/support or administrative agreements from organizations collaborating in the project, such as universities, lawyers, court personnel, or other membership groups.
 - viii. List of other agencies, organizations, or funding sources to which this proposal has been submitted (if applicable).

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the [OJP Grant Application Resource Guide](#).

4. Budget Information and Associated Documentation

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for details on the Budget Detail Worksheet, and on budget information and associated documentation, such as information on proposed subawards, proposed procurement contracts under awards, and pre-agreement costs.

5. Indirect Cost Rate Agreement

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for information.

6. Tribal Authorizing Resolution (if applicable)

An application in response to this solicitation may require inclusion of information related to a tribal authorizing resolution. See the [OJP Grant Application Resource Guide](#) for information on tribal authorizing resolutions.

7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this Questionnaire.

8. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

9. Applicant Disclosure of Pending Applications

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. For additional information on the submission requirements for this disclosure, see the [OJP Grant Application Resource Guide](#).

10. Applicant Disclosure and Justification – DOJ High Risk Grantees⁴ (if applicable)

An applicant that is designated as a DOJ High Risk Grantee is to submit in GMS, as a separate attachment to its application, information that OJP will use, among other pertinent

⁴ A “DOJ High Risk Grantee” is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

information, to determine whether it will consider or select the application for an award under this solicitation. The file should be named “DOJ High Risk Grantee Applicant Disclosure and Justification.” (See, also, “Review Process,” below, under Section E. Application Review Information, for a brief discussion of how such information may be considered in the application review process.) See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

11. Research and Evaluation Independence and Integrity

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. For additional information regarding demonstrating research/evaluation independence and integrity, including appropriate safeguards, see the [OJP Grant Application Resource Guide](#).

12. Additional Attachments

Appendices (not counted against the 30-page program narrative limit) include—

- a. Bibliography or references.
- b. Any tools, instruments, tables, charts, or graphs pertaining to the proposed project that are supplemental to such items included in the main body of the narrative.
- c. Curriculum vitae or résumés of the principal investigator and any and all co-principal investigators. In addition, curriculum vitae, résumés, or biographical sketches of individuals (regardless of investigator status) who will be significantly involved in substantive aspects of the proposal (including individuals such as research methodologists or statisticians serving as consultants to develop sampling strategies and experts familiar with gathering data from publicly appointed attorneys).
- d. List (to the extent known) of all proposed project staff members, including those affiliated with the applicant organization or any proposed subrecipient organization(s), any proposed consultant(s) and contractor(s) (whether individuals or organizations), and any proposed members of an expert panel for the project (if applicable). The list should include, for each individual and organization, the name, title (if applicable), employer or other organizational affiliation, and roles and responsibilities proposed for the project.
- e. A detailed proposed project timeline with expected milestones and level of staff effort for each phase of work.
- f. List of any previous and current BJS awards to the applicant organization and investigator(s), including the BJS-assigned award numbers and a brief description of any scholarly products that resulted in whole or in part from work funded under the BJS award(s).
- g. Letters of cooperation/support or administrative agreements from organizations collaborating in the project, such as universities, lawyers, court personnel, or other membership groups.
- h. List of other agencies, organizations, or funding sources to which this proposal has been submitted (if applicable).
- i. A Privacy Certificate and Human Subjects Protection Certification of Compliance must be completed for each project proposed in an application.
 - **Privacy Certification.** The Privacy Certificate is a funding recipient’s certification of compliance with federal regulations requiring confidentiality of information identifiable to a private person, which is collected, analyzed, or

otherwise used in connection with an OJP-funded research or statistical activity. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect identifiable information. Applicants must specify in the Privacy Certificate the specific controls used to safeguard directly identifiable information against unauthorized disclosure. All project staff, including information technology personnel, subcontractors, and/or consultants, with access to identifiable data collected in conjunction with the BJS-funded activities are required to sign a Privacy Certificate to affirm their understanding of and agreement to comply with the terms of access and privacy requirements. Award recipients are responsible for maintaining an updated list of individuals with access to identifiable information and for ensuring that new staff who gain access to such information during the project period sign a Privacy Certificate. A model certificate is located at www.bjs.gov/content/pub/pdf/bjsmpc.pdf.

- **Human Subjects Protection Certification of Compliance.** BJS requires the funding recipient to submit proper documentation to be used to determine that the research project meets the federal requirements for human subjects protections set forth in 28 C.F.R. Part 46. A model certificate, describing the necessary information to be provided by the funding recipient, is located at www.bjs.gov/content/hscr.cfm.

How to Apply (Grants.gov)

Applicants must register in and submit applications through Grants.gov, a primary source to find federal funding opportunities and apply for funding. Find information on how to apply in response to this solicitation in the [OJP Grant Application Resource Guide](#).

Registration and Submission Steps

Applicants will need the following identifying information when searching for the funding opportunity on Grants.gov:

- CFDA # 16.734, Special Data Collections and Statistical Studies.
- BJS-2019-15744.

For information on each registration and submission step, see the [OJP Grant Application Resource Guide](#).

E. Application Review Information

Review Criteria

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria:

1. **Statement of the Problem/Description of the Issue (15%)**—The application should demonstrate knowledge of the issues surrounding public defense data collection and show an understanding of the issues encountered in previous studies of public defenders. In particular, the applicant should address the response rates of prior surveys of public defenders and may include attempts to survey other types of attorneys. The applicant should describe how they will engage with the public-defender community to promote the survey and which level(s) will be engaged (national, state, or local). The application can include the types of organizations that could assist, or the specific organizations that will partner to assist, with survey promotion.

2. **Project Design and Implementation (35%)**—As described, the development work for this project was partially completed in the DSPADA. The applicants should review the summary of the final report from that project ([Appendix C](#)) prior to designing the application for the SPD. The applicant should review the recommendations made and determine any alternative designs for the project. The applicants should provide a thorough description of how they will conduct the pilot test effectively. Additionally, the applicants should address how they would implement a full data collection, a second round of testing, or an early project closure, depending on the results of the first pilot test.
3. **Capabilities and Competencies (30%)**—This work requires a team of persons with (1) technical knowledge regarding sampling design, weighting, and estimation, (2) an understanding of the work of public defenders and how public defenders differ from other defense attorneys, (3) a team that has support from the defender community, and (4) the ability to create and support a nationally representative survey of individuals, using a web-based survey portal that is easy to use across multiple platforms (e.g., smartphone or laptop), and multiple web browsers. The applicants should demonstrate the team's competencies in each of these areas, provide a complete description of the project's management, and identify whom is responsible for each deliverable.
4. **Plan for Collecting the Data Required for this Solicitation's Performance Measures (5%)**
5. **Budget (15%)**—complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.⁵ For the purposes of this application, the budget should account for a successful pilot test and for the full implementation.

Review Process

OJP is committed to ensuring a fair and open process for making awards. BJS reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation. See the [OJP Grant Application Resource Guide](#) for information on the application review process for this solicitation.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important note on FAPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

⁵ Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Director of BJS, who may take into account not only peer review ratings and BJS recommendations but also other factors as indicated in this section.

F. Federal Award Administration Information

Federal Award Notices

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

Administrative, National Policy, and Other Legal Requirements

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application. See the [OJP Grant Application Resource Guide](#) for additional information on administrative, national policy, and other legal requirements.

Information Technology (IT) Security Clauses

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

General Information about Post-Federal Award Reporting Requirements

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit certain reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see page 2.

For contact information for Grants.gov, see page 2.

H. Other Information

Freedom of Information and Privacy Act (5 U.S.C. 552 and U.S.C. 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. See the [OJP Grant Application Resource Guide](#) for information on DOJ and OJP processes with regard to application information requested pursuant to FOIA.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. See the [OJP Grant Application Resource Guide](#) for information on providing solicitation feedback to OJP.

Appendix A: Performance Measures Table

Objective	Performance Measure(s)	Description	Data Recipient Provides
<p>Pilot test the survey, contact strategy, and marketing plan.</p>	<p>Number of deliverables completed on time, as determined by BJS.</p> <p>Number of deliverables that meet expectations as defined by BJS.</p> <p>Milestones and deadlines met.</p>	<p>The applicant should provide timely deliverables that meet the outlined expectations for survey development and testing and for contact and marketing strategies.</p> <p>Deliverables include—</p> <ul style="list-style-type: none"> a. Revised draft survey developed in the DSPADA. b. Revised sampling plan. c. Final contact and marketing plans. d. Generic OMB clearance request to test survey. e. Test of outreach plan, pilot test, and report. f. Revised survey, contact, sampling, and marketing plans. g. Development of a reserve sampling plan to achieve 2,500 completed responses. <p>Quarterly progress reports reflecting activities in each area of the project.</p> <p>Quarterly financial reports ensuring project funds are being used proportionately.</p> <p>Routine biweekly meetings with BJS staff to review project progress.</p>	<p>Pilot test the survey, contact strategy, and marketing plan.</p>

Objective	Performance Measure(s)	Description	Data Recipient Provides
<p>Develop a final sampling plan and web portal, conduct data collection, and analyze and report the data.</p>	<p>Develop a draft and final web portal that meets BJS standards.</p> <p>Conduct the data collection.</p> <p>Comprehensive final report (inclusive of analysis et al) delivered on-time.</p> <p>Number of deliverables completed on time, as determined by BJS.</p> <p>Number of deliverables that meet expectations as defined by BJS.</p>	<p>Design and test a web portal that meets BJS testing and standards.</p> <p>Conduct the data collection, implementing the contact plan, reserve sampling plan, and survey marketing strategies.</p> <p>With BJS, analyze the data collected.</p> <p>Complete a final project report, summarizing the project and any recommendations for future iterations of the Survey of Public Defenders.</p> <p>Complete a final financial report, outlining monies spent and any recommendations.</p> <p>Deliverables include—</p> <ul style="list-style-type: none"> a. Web portal that meets BJS’s Technology and Data Management Unit testing and specifications. b. Sampling and reserve sample plans that meet BJS’s approval. c. Full Paperwork Reduction Act clearance from OMB. d. Data documentation, including data mapping, subject to review and approval from BJS’s Technology and Data Management Unit, including an analysis file and documentation and an archive file and documentation. e. Any tables or analyses requested by BJS. 	<p>Develop a final sampling plan, reserve sampling plan, and web portal; conduct data collection; and analyze and report the data.</p>

Appendix B: Application Checklist

Survey of Public Defenders

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

See [OJP Grant Application Resource Guide](#) for more information on all sections.

Prior to Registering in Grants.gov:

- Acquire a DUNS Number
- Acquire or renew registration with SAM

To Register with Grants.gov:

- Acquire AOR and Grants.gov username/password
- Acquire AOR confirmation from the E-Biz POC

To Find Funding Opportunity:

- Search for the Funding Opportunity on Grants.gov (see page 22)
- Access Funding Opportunity and Application Package
- Sign up for Grants.gov email [notifications](#) (optional)
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see page 17)

After Application Submission, Receive Grants.gov Email Notifications That:

- (1) application has been received,
- (2) application has either been successfully validated or rejected with errors

If No Grants.gov Receipt, and Validation or Error Notifications are Received:

- Contact BJS regarding technical difficulties

Overview of Post-Award Legal Requirements:

- Review the [OJP Grant Application Resource Guide](#).

Scope Requirement:

- The federal amount requested is within the allowable limit(s) of \$350,000.

Eligibility Requirement: See the title page.

What an Application Should Include:

The following items are critical application elements required to pass BMR. An application that OJP determines does not include the application elements designated to be critical will neither proceed to peer review nor receive further consideration.

- Program Narrative (see page 18)
 - Budget Detail Worksheet (see page 20)
 - Budget Narrative (see page 23)
 - Appendices (see page 21)
-
- Application for Federal Assistance (SF-424) (see page 17)
 - Project Abstract (see page 18)
 - Program Narrative (see page 18)
 - Budget Detail Worksheet (including Narrative) (see page 20)
 - Indirect Cost Rate Agreement (if applicable) (see page 20)
 - Tribal Authorizing Resolution (if applicable) (see page 20)
 - Financial Management and System of Internal Controls Questionnaire (see page 20)
 - [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see page 20)
 - Applicant Disclosure of Pending Applications (see page 20)
 - Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)

Additional Attachments

- Research and Evaluation Independence and Integrity (see page 21)
- Request and Justification for Employee Compensation; Waiver (if applicable)

Appendix C: Summary of the Survey of Publicly Appointed Defense Attorneys Final Report

Introduction

In 2016, the Bureau of Justice Statistics (BJS) funded the Urban Institute (Urban), National Association for Public Defense (NAPD), and members of the Indigent Defense Research Association (IDRA) to implement the Survey of Public Defenders: A Design Study (SPDDS). The SPDDS aimed to design and test a new data collection effort to increase knowledge about public defenders who provide legal services to adults and juveniles charged with criminal offenses. Following consultations with an expert panel, and pursuant to the requirement to define the intended respondents of the survey, the project team requested and received approval for a change in project title: the Design of the Survey of Publicly Appointed Defense Attorneys (DSPADA).

DSPADA is the first federally funded survey initiative aimed at publicly appointed defense attorneys, rather than the systems in which they work. BJS intends to distribute the survey to a nationally representative sample of lawyers providing representation in state courts to accused persons unable to afford counsel. It asks about the kinds of cases and work they do, their working conditions, available support services, and their demographics. Data on publicly appointed defense attorneys allows BJS to address research questions that administrative data alone cannot. The findings will help characterize the field's diversity in terms of its personnel and prevailing working practices, facilitate investigation of service quality, and provide context for discussions concerning improvement to the field.

Defining the Universe

BJS's initial solicitation sought to define the universe of possible respondents to the DSPADA. In prior BJS work, publicly appointed defense attorneys have been subcategorized (e.g., public defenders, assigned counsel, and contract attorneys) and at times studied separately.¹ Notwithstanding their diversity, U.S. publicly appointed defense attorneys defend the constitutional rights of accused persons facing potential loss of liberty. After discussion with the expert panel, a publicly appointed defense attorney was defined as "any attorney who has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year."

This definition excludes attorneys publicly appointed to represent clients in cases other than in criminal courts. In 39 states, for example, parents accused of abuse or neglect in civil court have a categorical right to publicly appointed counsel.² Attorneys representing non-criminal cases are outside the scope of the definition. The phrase "directly engaged" also excludes attorneys who are engaged in the supervision or management of publicly appointed defense attorneys, but who have not directly engaged in representation of clients themselves within the last year. Attorneys working exclusively in federal courts are excluded due to a distinct jurisdictional map and because other surveys of this population yield potentially overlapping data. Last, the project team chose to exclude from our sampling universe any defender systems organized in geographic units smaller than counties, such as municipal court defender services.

¹ *Indigent Defense Services in Large Counties, 1999* (NCJ 184932, BJS web, November 2000). Definitions on page 2 of this report are reproduced in text box.

² See <http://civilrighttocounsel.org/map>.

Emerging Issues and Questions to Guide Research on Public Defense

BJS's initial solicitation required that the survey include questions in four specific domains (**table 1**). The solicitation also requested the project team to consult with an expert panel to develop any additional content areas the DSPADA would cover and to design questions appropriately. Recognizing that publicly appointed defense attorneys likely have limited time to complete the survey, and that survey nonresponse is a growing problem, the project team consulted attorneys and representatives of the clients whom they serve to identify the most salient issues and questions the DSPADA should cover.³

Table 1. Four Domains Required by BJS for Inclusion in Survey Questions

Theme	Description
Attorney Experience and Training	Attorney demographics, qualifications, and training
Attorney Workload and Use of Support Staff	Number and types of current open cases, access to support staff and the type of support staff used, and time spent in various case-related activities
Client and Case Attributes	Client demographics; case attributes, complexity, and outcomes; and post-disposition involvement
Quality of Representation	Case processing stage of initial contact with clients, types of clients services, and types of services provided to clients

Cognitive Test

The project team, expert panel, and BJS reviewed and refined the draft survey instrument before administering it to eight publicly appointed defense attorneys in a cognitive pilot test. The cognitive test aimed to test respondents' comprehension of the survey questions, receive recommendations for modifications to or elimination of confusing questions, and determine the utility of the survey recruitment materials. The cognitive test determined to what degree attorneys working in diverse situations and locations could understand the survey questions and whether attorneys found completing the survey a positive experience. Table 2 provides information on the eight attorneys who were recruited to complete the survey and participate in a debriefing interview.

The cognitive test was implemented with these attorneys over a period of 5 weeks, beginning on January 16, 2018, when the survey and a recruitment letter was shared with all attorneys via email. The survey was administered via Qualtrics, an online survey tool that respondents could access via computer or cell phone. All respondents received an individualized link to complete the survey online. Once the attorneys completed the survey, the project team conducted a 1-hour debriefing interview, which included a review of the recruitment letter, survey instructions, question clarity, response choices provided, overall ease of providing information, and terminology used for each question. The interviews also included the length of time needed to complete the survey, difficulty in providing information, and preferred mode of completing the survey.

³ Survey trend research indicates an alarming increase in nonresponse since the 1960s and across all sectors, including government, academic, media, and business. See Groves, R. M., Dillman, D. A., Eltinge, J. L., & Little, R. J. A. (Eds.). (2002). *Survey nonresponse*. New York, NY: Wiley.

Table 2. Cognitive Test Respondents

	Gender		Position	System Type			Case Type			
	Male	Female	Supervisor	Assigned Counsel	Contract	Public Defender Office	Adult	Juvenile	Felony	Misdemeanor
R1	X				X		X		X	
R2	X				X		X	X	X	X
R3		X			X			X		
R4		X	X			X		X		
R5	X			X			X		X	X
R6	X		X			X	X		X	X
R7		X	X			X	X		X	X
R8	X					X	X		X	X

The time required for the cognitive test respondents to complete the survey ranged from 14 to 30 minutes. All respondents to the cognitive test completed the survey in one sitting via a personal computer (versus a cellphone), and recommended that the survey should be offered online as the primary mode of administration. Seven of the eight respondents indicated that email is the best way to reach them and the most effective mode to communicate with attorneys. All respondents indicated that they found the survey to be low burden, and the instructions clear. They also indicated that they found the questions included in the survey to be applicable to their work, regardless of the type of delivery system or model they worked within.

Two primary issues raised through the debriefing interviews concerned questions that ask respondents to report on time spent on case activities (i.e., “In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?”), and the instructions included in Section III of the survey to answer questions based on “the last publicly appointed case that you closed in a trial court in the last year.” Specifically, the respondents found questions that request reports of time spent to be the most difficult and/or took the longest to complete. They either did not formally track the information requested, or it required them to reference a calendar to make accurate estimations.

Four respondents expressed concern about reporting on “the last publicly appointed case that you closed in a trial court in the last year.” Specifically, they indicated that their last case and outcome “is not representative of [their] caseload as a whole” and, therefore, answered the questions contained within this section based on a case that was not their last case. When averaged across all respondents of a national survey, responses to the questions contained within this section should represent a “typical” case for publicly appointed defense attorneys. For this reason, the project team recommends including this statement in the final survey instrument: “It is important for statistical purposes that you tell us about your last case, even if it was not typical.” See [Appendix D](#) for the survey instrument.

Two respondents reported that asking about attorney sex and client sex with only “male” and “female” response options was not inclusive. As a revision, the respondents suggested asking about gender instead of sex. The respondents also recommended response options of “male” and “female” and including either “other” or “gender not listed.” The final survey included in Appendix D does not address these recommendations.

Five of the eight respondents read the recruitment letter that was shared along with the survey. Among these respondents, all indicated that they found the letter to be clearly written and helpful. One cognitive test respondent and one member of the expert panel indicated that they found the letter to be too long.

Developing Sample Size Recommendations

To develop sample size recommendations, it is necessary to fix several critical design parameters, including—

- The allocation of the sample to the dual-frame strata (proportionate versus disproportionate).
- The number of stage-1 jurisdictions (i.e., clusters or primary sampling units (PSUs)) sampled in frame 2.
- The average number of completed surveys per sampled jurisdiction in the frame 2 sample.
- The intra-class correlation within jurisdictions associated with the statistic being measured (for frame 2).

- Some sense of the relative per-unit costs associated with frame 1 versus the frame-2 sample, as well as the overall available funding (since resources are never unlimited) for survey implementation.
- The overall level of statistical precision and subgroup precision that is acceptable to BJS.

Once these design parameters are known, it will be possible to develop sample size recommendations to meet established goals. Toward that end, if BJS decides to fund the full implementation of the survey at the national level, the project team recommends a design enhancement to the dual-frame design that adopts two-phase sampling:

Phase 1 Sampling: Under this first phase, small samples of publicly appointed defense attorneys would be drawn from stratum 1 (frame 1) and stratum 2 (frame 2). Though these samples would be modest in size, they would be large enough to create per-unit costs per frame and estimate intra-class correlation for the second frame. Specifically, for frame 1, the project team recommends obtaining statewide rosters from four states and then drawing a random sample of 30 public defense attorneys from each state. Half of the sample would receive an incentive (\$20 gift card), and the other half of the sample would not. (Note that BJS will not consider using incentives in the pilot test or survey of public defenders.) This would provide valuable information about response rates, the average level of effort and costs of administering the survey, and the impact of incentives on response rates. For frame 2, the project team recommends selecting a random sample of 30 jurisdictions (PSUs), and contacting jurisdictional leaders to obtain complete rosters of all publicly appointed defense attorneys in these jurisdictions. From each of the 30 PSUs selected, a random sample of five publicly appointed defense attorneys would be drawn to receive the survey. From this frame-2 sample, average per-unit costs could be measured, and intra-class correlation could be estimated. The costs for providing incentives to respondents could be built into average per-unit costs if incentives are found to have a significant impact on response rates and a decision is made to use them in the full implementation of the survey. Frame-1 per-unit costs would also be measured.

The relative costs of frame 1 versus frame 2 would need to be considered carefully. Frame 1 would incur the costs of soliciting and processing lists from 28 states and the District of Columbia. The frame-2 sample would incur costs associated with a much larger number of lists to secure a reasonable level of statistical precision. The lists from frame 2 are expected to be highly variable and generally lower in quality than the state lists for frame 1. The costs associated with soliciting, compensating jurisdictions for processing (when needed), and sampling lists of publicly appointed defense attorneys in the frame-2 two-stage sample would produce a relative per-unit (i.e., per completed survey) cost that is several orders of magnitude higher than frame 1's.

Phase 2 Sampling: The findings of frame-1 and frame-2 costs and frame-2 intra-class correlations from the sample of 30 jurisdictions described in Phase 1 Sampling above would be used to develop an "optimal allocation" sample. Optimum allocation is a disproportionate stratified sampling technique that maximizes statistical precision for fixed costs. The issue here is how much of the sample to allocate to the frame-1 and frame-2 samples relative to proportionate allocation.

The project team has not included specific recommendations for sample sizes in this report, since several important design parameters that are necessary for determining appropriate sample sizes are still unknown. Therefore, it is premature to include any sample size

recommendations at this stage. However, if implemented, our proposed two-phase dual-frame design described above would provide the necessary information regarding critical design parameters that are prerequisites for developing valid sample size recommendations through optimum allocation techniques.

Recommendations

Based on the work performed in this study, and the insights gained through the expert panel, the survey development and cognitive test, and the frame-2 feasibility test and sample development, the following recommendations are offered for consideration for the administration of a national survey of publicly appointed defense attorneys.

Respondent Recruitment: Recruiting attorneys to complete a survey is a key challenge to the success of a national survey of publicly appointed defense attorneys. Survey burnout combined with overwhelming caseloads and legal commitments may reduce motivation among publicly appointed defense attorneys to participate in a survey. Defenders may perceive that their participation will be unlikely to alleviate the problems they face in their work. Additionally, the length of time between data collection and publication, and issues with the quality of DSPADA data, may reduce interest in and perceived impact of BJS surveys among defenders. To ensure the success of a national survey, there are three recommendations. First, future funding should include a pilot test of survey administration and response. Due to time and resource constraints of this study, we were not able to implement a pilot test of the survey. However, this is a necessary step to ensuring high response rates. The pilot test should include a test of the impact of survey mode, as well as monetary incentives, on response rates. Feedback received from the expert panel and findings of the cognitive test suggest that administering the survey online is the easiest mode for attorneys. However, a pilot test should include other modes, including a combination of PDF-fillable and paper options, to understand which mode or combination of modes achieves the highest responses. A test of a monetary incentive is also important. In particular, attorneys suggested that a \$20 gift card to Starbucks may increase their likelihood of completing the survey.

Second, the project team recommends collaborating with local and national public defense leaders and other organizations (national public defender, advocacy, local bar associations and National Association of Criminal Defense Lawyers affiliates) to advertise the survey. Finally, the project team recommends that a national public defense organization, such as NAPD, play a prominent role in the study to assist with messaging and attorney buy-in. Furthermore, the success of the frame-2 feasibility test in this study relied on NAPD's connection to leaders in the field of public defense, understanding of defense system organizations and structures, and ability to knowledgably speak with system leaders and sources.

Developing the Sampling Frame: This study included a feasibility test to inform our understanding of whether lists of publicly appointed defense attorneys can be obtained from states with decentralized systems. A similar feasibility test should be conducted with frame 1 to determine whether lists of publicly appointed defense attorneys can be obtained from states with centralized systems of indigent defense. The project team also recommends that the survey be administered with publicly appointed defense attorneys in the five U.S. territories: Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and American Samoa. Initial outreach to the territories indicates that at least two can produce full lists of publicly appointed defense attorneys. Furthermore, the survey of publicly appointed defense attorneys is not currently designed to collect data from publicly appointed defense

attorneys who specialize in civil or child welfare cases or from attorneys who work in municipal courts. Future resources should consider the benefits of designing a survey specific to these attorneys, as well as attorneys who provide legal representation on appellate and post-conviction cases.

Survey instrument: In its current form, the survey asks about attorneys' last closed case to gather representative data from publicly appointed defense attorneys across the United States. However, this approach generated some concern with respondents to the pilot test and limits the ability to collect data on cases in which a trial occurred or a case in which extended legal representation was required. Future work should consider the benefits of designing a survey to capture data on these cases. Also, per BJS's directive, the survey is currently limited to binary sex questions to gather demographic information on attorneys and the clients whom they serve, which may alienate and offend survey respondents. Future surveys with publicly appointed defense attorneys should include gender-inclusive language and survey questions.

Appendix D: Draft Survey

The Bureau of Justice Statistics is piloting this survey of publicly appointed defense attorneys to learn more about the legal representation you provide to people accused of crime and who are deemed financially eligible to receive attorney services at no charge.

For the purposes of this survey, a publicly appointed defense attorney is any attorney that has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year. We are contacting you because we think you are a publicly appointed defense attorney.

This survey will ask questions about your background, the kinds of cases you take as a publicly appointed defense attorney, the services you provide to your publicly appointed clients, and other matters. You can stop at any time and skip any questions that you don't want to answer. The survey will take approximately twenty minutes.

The following question helps us to confirm that this survey is right for you.

In the last year, have you been appointed to represent any of the following people in any state or local court at public expense?

- | | Yes | No |
|---|-----|----|
| a. An adult or juvenile person accused of a crime or delinquency | | |
| b. An adult or juvenile person accused of violating conditions of a sentence (e.g., violation of probation or parole) | | |
| c. An adult or juvenile person appealing a conviction, or seeking other post-disposition advocacy or post-conviction relief | | |

[SUBMIT button]

[If responses are all 'no']: You answered 'no' to all three questions above, you don't need to continue. Thank you for your time!

[If one response is 'yes', continue to next screen.]

I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY: Please tell us about your work as a publicly appointed defense attorney.

1. In what year did you pass the bar? *If you've passed the bar in multiple states, please tell us the year you passed for the first time.* ____ **[drop down, year]**
2. In what year did you first work as a publicly appointed defense attorney? ____ **[drop down, year]**

We would like to know how many hours in the last 7 days you spent working as a publicly appointed defense attorney, and how many hours on other work. For the questions below, please estimate your time and round to the nearest hour.

3. In the last seven days, about how many hours did you work as a publicly appointed defense attorney, even if it was not typical? (Include any evenings or weekends worked) _____ **[drop down, options are 0-100+]**
4. In the last seven days, about how many hours did you work **other than** as a publicly appointed defense attorney, even if it was not typical? (Include any evenings or weekends worked) _____ **[drop down, options are 0-100+]**
5. In the last seven days, how many hours have you spent in the following activities while working as a publicly appointed defense attorney, even if it was not typical?

	Hours	None
a. In court, in front of judge	<input type="checkbox"/>	<input type="checkbox"/>
b. In court, other activities	<input type="checkbox"/>	<input type="checkbox"/>
c. Out of court, negotiating with prosecutors or probation officers	<input type="checkbox"/>	<input type="checkbox"/>
d. Out of court, at jail or prison	<input type="checkbox"/>	<input type="checkbox"/>
e. Out of court, other client communication	<input type="checkbox"/>	<input type="checkbox"/>
f. Out of court, other activities (e.g., interviewing witnesses, investigating, office work)	<input type="checkbox"/>	<input type="checkbox"/>
g. In training	<input type="checkbox"/>	<input type="checkbox"/>
h. Travel time	<input type="checkbox"/>	<input type="checkbox"/>

We would like to know whether you work for an organization or agency in your capacity as a publicly appointed defense attorney.

6. In your capacity as a publicly appointed defense attorney, are you an employee of a state or local government agency?

**Check
one**

- a. Yes **[Go to question 7]**
- b. No **[Go to question 8]**

7. Approximately how many attorneys are employed at the agency? _____ [drop down, options are 0-100+]

8. In your capacity as a publicly appointed defense attorney, do you work as a sole practitioner? *A sole practitioner is a lawyer who practices independently, in a law firm that may include non-lawyer support personnel but does not include any other lawyers.*

Check
one

a. Yes [Go to question 11]

b. No [Go to question 9]

9. In your capacity as a publicly appointed defense attorney, are you an employee of an organization such as a law firm or nonprofit organization?

Check
one

a. Yes [Go to question 10]

b. No [Go to question 11]

10. Approximately how many attorneys are employed at the firm or nonprofit organization? _____ [drop down, options are 0-100+]

11. As a publicly appointed defense attorney, are you currently required to do any of the following? *Select 'Required' or 'Not required'. If you do not know, select 'I don't know.'*

Not I don't
Required required know

a. Have a written performance review at least once a year

b. Meet with someone responsible for monitoring my work at least once a month

c. Satisfy a certification requirement or other formal standard.

d. Take specific training prior to handling **any cases**

e. Take additional training prior to handling **more serious or complex cases**

12. As a publicly appointed defense attorney, are you currently able to take cases on private retainer?

**Check
one**

- a. Yes, I can take cases on private retainer
- b. No, I am limited in my ability to take cases on private retainer, but not prohibited from doing so
- c. No, I am prohibited from taking cases on private retainer.

13. In the last year, have you supervised or managed other publicly appointed defense attorneys?

**Check
one**

- a. Yes
- b. No

14. In the last year, have training programs in the following areas been made available to you?

Available, have taken	Available, have not taken	Not available	I don't know
--------------------------------------	--	--------------------------	-------------------------

- a. Adolescent development
- b. Appellate practice
- c. Bail/bond advocacy
- d. Communicating effectively with your client
- e. Education law
- f. Ethics
- g. Forensic evidence
- h. Immigration law
- i. Implicit racial bias
- j. Jury selection

- k. Legal/legislative changes
- l. Opening/closing arguments
- m. Plea negotiation
- n. Representing juvenile clients
- o. Representing persons with mental illness

15. Thinking about your work as a publicly appointed defense attorney in the last year, how often were you assigned to represent clients for an entire case? *For the purpose of this question, we consider appellate and post-conviction cases to be 'entire cases'.*

Check one

- a. Always or often entire cases
- b. Sometimes entire cases
- c. Seldom or never entire cases

16. How often are you able to speak confidentially with clients in your publicly appointed cases in the following locations:

Always or often	Sometimes	Seldom or never
--------------------------------	------------------	--------------------------------

- a. Court?
- b. Jail or prison?
- c. Your office?

17. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? **[Check Yes or No for each]**

Yes	No
------------	-----------

- a. Calling a toll-free number
- b. Making collect calls
- c. Video conferencing
- d. Any other way, please specify _____

II. YOUR PUBLICLY APPOINTED CASELOAD: This section is about the types and numbers of publicly appointed cases that you handle.

- A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
- An appellate case is defined as a single appeal in a single appellate court.
- A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.

18. How many publicly appointed cases in the following categories do you have *open right now*, even if it is not typical? You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.

	Cases open right now	N/A
a. Adult misdemeanors	[]	[]
b. Adult felonies	[]	[]
c. Adult appeals	[]	[]
d. Adult post-conviction	[]	[]
e. Juvenile delinquency	[]	[]
f. Juvenile appeals	[]	[]
g. Juvenile post-conviction	[]	[]

19. How many new publicly appointed cases in the following categories did you take *in the last seven days*, even if it was not typical? You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.

	Cases opened last 7 days	N/A
a. Adult misdemeanors	[]	[]
b. Adult felonies	[]	[]
c. Adult appeals	[]	[]
d. Adult post-conviction	[]	[]
e. Juvenile delinquency	[]	[]
f. Juvenile appeals	[]	[]
g. Juvenile post-conviction	[]	[]

20. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? If you do not handle that case type, select N/A.

Yes No N/A

- a. Client facing capital charges
- b. Client in specialty court (e.g., drug, homeless, veterans, mental health, domestic violence)
- c. Failure to pay a fine
- d. Violation of probation

21. Are you currently able to request to decline case assignments on the basis that you already have too many cases?

Check one

- a. Yes
- b. No
- c. I don't know

22. In the past year, have you requested to decline a case assignment on the basis that you already had too many cases?

Check one

- a. Yes
- b. No **[Skip to Q.24]**
- c. N/A

23. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?

Check one

- a. Yes
- b. No
- c. N/A

24. Are your caseloads as a publicly appointed defense attorney capped by law, rule or other policy?

**Check
one**

- a. Yes
- b. No

III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES: This section asks about the last publicly appointed case that you closed in the last year. A closed case is defined as the last case in which you provided representation in which a court issued a final disposition. If you have not closed a publicly appointed case in a trial court within the last year, please skip to Question 45 below.

25. As a publicly appointed defense attorney, have you closed at least one case within the last year?

**Check
one**

- a. Yes **[Go to question 26]**
- b. No **[Go to question 45]**

Think of the most recent case that you closed as a publicly appointed defense attorney when answering the questions in this section. It is important for statistical purposes that you tell us about your last case, even if it was not typical. We do not want to know anything about this case that could allow us to identify the participants.

26. As a publicly appointed defense attorney, what type of case was the most recent case that you closed, even if it was not typical?

**Check
one**

- a. Adult misdemeanor **[Go to question 27]**
- b. Adult felony **[Go to question 27]**
- c. Adult appeal **[Go to question 45]**
- d. Adult post-conviction **[Go to question 45]**
- e. Juvenile delinquency **[Go to question 27]**
- f. Juvenile appeal **[Go to question 45]**
- g. Juvenile post-conviction **[Go to question 45]**
- h. Something else (Specify: _____) **[Go to question 45]**

27. Did this case involve any of the following types of allegations? Select yes or no for each option.

- | | Yes | No |
|--|------------|-----------|
| a. Offense against a person (e.g., rape, murder, assault, robbery) | | |
| b. Property offenses (e.g., arson, burglary, larceny, theft of a motor vehicle) | | |
| c. Drug offenses (e.g., possession, use, sale or furnishing of a drug or intoxicating substance or drug paraphernalia prohibited by law) | | |
| d. Sex offenses (e.g., rape, sexual assault, sexual conduct with a minor, indecent exposure) | | |
| e. Weapons offenses (e.g., possession, carrying, use, sales or manufacture of weapons prohibited by law) | | |

28. Which, if any, of the following types of evidence were used in the case?

- | | Yes | No | I don't know |
|--|------------|-----------|---------------------|
| a. Ballistics evidence | | | |
| b. Blood test evidence | | | |
| c. DNA evidence | | | |
| d. Electronic/computer forensic evidence | | | |
| e. Eyewitness evidence | | | |
| f. Fingerprint evidence | | | |
| g. Other, please specify: _____ | | | |

29. Was the client of Hispanic or Latino origin? (*Choose one*)

- | | Check one |
|---------------------------|------------------|
| a. Hispanic or Latino | |
| b. Not Hispanic or Latino | |
| c. I don't know | |

30. What was the client's race? *(Choose one or more)*

- a. American Indian or Alaska Native
- b. Asian
- c. Black or African American
- d. Native Hawaiian or Other Pacific Islander
- e. White
- f. I don't know

31. What was the client's sex?

**Check
one**

- a. Female
- b. Male

32. Was English the client's first language?

**Check
one**

- a. Yes
- b. No
- c. I don't know

33. What was the client's age when the case was closed?

**Check
one**

- a. Under 13
- b. 13-15
- c. 16-17
- d. 18-19
- e. 20-21
- f. 22-24

- g. 25-29
- h. 30-34
- i. 35-39
- j. 40-44
- k. 45-49
- l. 50-54
- m. 55-59
- n. Over 60
- o. I don't know

34. How long was the interaction with your client the first time that you met them?

**Check
one**

- a. Under 5 minutes
- b. 5-14 minutes
- c. 15-29 minutes
- d. 30-59 minutes
- e. An hour or more

35. Did you represent this client at his or her first court appearance in this case?

**Check
one**

- a. Yes
- b. No
- c. Not applicable

36. Please indicate below whether you made any of the following types of motions in the case.

- | | Yes,
motion
made | No
motion
made |
|--------------------|---------------------------------|-------------------------------|
| a. Pretrial motion | | |

- b. Motion *in limine*
- c. Post-trial motion

37. Did you or a member of the defense team do any of the following? [Select 'Yes' or 'No' for each option.]

- | | Yes | No | I don't know |
|--|-----|----|--------------|
| a. Visit the alleged crime scene | | | |
| b. Interview in person any potential witnesses other than the client or prosecution witnesses | | | |
| c. Seek written records (e.g., school or medical records) | | | |
| d. Seek advice from a colleague or supervisor | | | |
| e. Use the services of an investigator | | | |
| f. Use the services of a social worker | | | |
| g. Consult with an expert witness, other than a prosecution witness, even if he or she did not testify | | | |

38. Was the client incarcerated pretrial?

- | | Check one |
|---|-----------|
| a. Yes, incarcerated entire pretrial period | |
| b. Yes, incarcerated but released for remainder of pretrial period | |
| c. Yes, incarcerated then released, and incarcerated again for pretrial violation | |
| d. No | |
| e. I don't know | |

39. Did any of the following happen during the case?

- | | Yes | No | I don't know | N/A |
|---|-----|----|--------------|-----|
| a. Case went to trial | | | | |
| b. Defense was provided with discovery material | | | | |
| c. Client was diverted to a drug, alcohol, or mental health treatment program | | | | |

40. How many times, in total, did you communicate with the client in person, by phone, or in writing prior to the resolution of the case? You may estimate the number.
[drop down]

41. How many times, in total, did you communicate with the prosecutor in person, by phone, or in writing prior to the resolution of the case? You may estimate the number.
[drop down]

42. How long, in total, were you assigned to the case? You may estimate the time.
[drop down] Years

[drop down] Months

[drop down] Days

43. How was the case closed?

**Check
one**

- a. The client pleaded guilty to the top charge against them
- b. The client pleaded guilty to a lesser charge
- c. The client was convicted at trial of the top charge against them
- d. The client was convicted at trial of a lesser charge
- e. The client was found not guilty at trial
- f. The case was dismissed
- g. Something else, please specify: _____

44. Which, if any, of the following consequences resulted from this case for this client? Select yes or no for each option. If you do not know, select I don't know.

- | | Yes | No | I don't
know |
|---|------------|-----------|-------------------------|
| a. Sentenced to community service | | | |
| b. Sentenced to custody | | | |
| c. Sentenced to probation | | | |
| d. Detainer lodged by Immigration and Customs Enforcement (ICE) | | | |
| e. Driver's license suspended/revoked | | | |
| f. Employment license suspended/revoked | | | |

- g. Fines and/or fees imposed
- h. Gun license suspended/revoked
- i. Order of protection imposed
- j. Restitution imposed
- k. Required to register as a sex offender
- l. Other (Please specify: _____)

IV. WORKING CONDITIONS: The questions in this section ask about the benefits, compensation, and other conditions of your work as a publicly appointed defense attorney.

45. Does your work as a publicly appointed defense attorney include the following benefits? Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.

	Yes	No	I don't know
a. Eligible for student loan forgiveness			
b. Financial support for attending training programs			
c. Financial support for membership in professional organizations			
d. Financial support for travel expenses associated with the work			
e. Health insurance			
f. Paid sick days			
g. Paid family/medical leave (e.g. maternity leave)			
h. Paid vacation days			
i. Retirement benefits			

46. Does your work as a publicly appointed defense attorney provide you with the following resources? If a resource is provided but you choose not to use it, please check 'yes'.

- | | Yes | No | Don't know |
|---|------------|-----------|-------------------|
| a. A cell phone or cell phone subsidy | | | |
| b. A computer or a laptop | | | |
| c. Access to a mitigation specialist | | | |
| d. Access to a social worker | | | |
| e. Access to an investigator | | | |
| f. Access to media equipment, e.g. video cameras | | | |
| g. Access to printing facilities | | | |
| h. Access to WestLaw, LexisNexis or other legal search engine | | | |
| i. Administrative staff assistance | | | |
| j. Office space | | | |

47. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?

- Check one**
- a. Always or often
 - b. Sometimes
 - c. Seldom or never

48. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?

- Check one**
- a. Always or often
 - b. Sometimes
 - c. Rarely or never

49. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?

**Check
one**

- a. I am already looking for another position
- b. Less than a year
- c. 1-2 years
- d. 3-5 years
- e. More than 5 years

50. On at least an annual basis, do you do any of the following? *Please select 'Yes' or 'No' for each option.*

Yes No

- a. Conduct training of attorneys or other professionals
- b. Make media appearances
- c. Represent publicly appointed defense attorneys in bar association activities
- d. Represent publicly appointed defense attorneys in any other context (e.g., civic groups)
- e. Teach classes at a school, law school, or college
- f. Write for publications (e.g., law journals, newspapers, magazines)

V. YOUR DEMOGRAPHICS: We have some questions about you. This information will only be used to describe who participated in this survey.

51. What is your age?

**Check
one**

- a. Under 20
- b. 20-24
- c. 25-29
- d. 30-34
- e. 35-39
- f. 40-44
- g. 45-49
- h. 50-54

- i. 55-59
- j. 60-64
- k. 65-69
- l. 70-74
- m. Over 75

52. Are you of Hispanic or Latino origin? *Choose one*

- a. Hispanic or Latino
- b. Not Hispanic or Latino

53. What is your race? *Choose one or more*

- a. American Indian or Alaska Native
- b. Asian
- c. Black or African American
- d. Native Hawaiian or Other Pacific Islander
- e. White

54. What is your sex?

- a. Female
- b. Male

**Check
one**

55. What amount, if any, do you owe in student loan debt? **[Check one]**

- a. I do not have any student loan debt
- b. \$1 - \$24,999
- c. \$25,000 - \$49,999
- d. \$50,000 - \$74,999
- e. \$75,000 - \$99,999
- f. \$100,000 - \$124,999
- g. \$125,000 - \$149,999
- h. \$150,000 - \$174,999

**Check
one**

- i. \$175,000 - \$199,999
- j. Over \$200,000

56. Which of the following **best describes** how you are paid in your role as a publicly appointed defense attorney?

**Check
one**

- a. Paid a salary
- b. Paid per hour
- c. Paid per case
- d. Paid per court appearance
- e. Paid for a set number of cases
- f. Paid some other way, please specify: _____

57. How much, if anything, did you earn in 2017, before taxes, from your work as a publicly appointed defense attorney?

**Check
one**

- a. Nothing
- b. \$1 - \$1,999
- c. \$2,000 - \$4,999
- d. \$5,000 - \$9,999
- e. \$10,000 - \$19,999
- f. \$20,000 - \$29,999
- g. \$30,000 - \$39,999
- h. \$40,000 - \$49,999
- i. \$50,000 - \$59,999
- j. \$60,000 - \$69,999
- k. \$70,000 - \$79,999
- l. \$80,000 - \$99,999

m. \$100,000 or more

THANK YOU!

[For participants offered incentive only]: As promised, we'd like to send you a gift card for \$20. The email address we have on file for you is [insert email here]. Can we send the card there? If not, let us know your preferred email in the box below:

Open-ended text box: [_____] (constrain answers to valid email address only)

One last thing! Would you be willing to speak with us about your experience taking this survey? If so, please let us know by checking the box below.

Yes! I'd be happy to talk to you about my experience with this survey []

[If box checked]: The email address we have on file for you is [insert email here]. Is that a good way to contact you? If not, please let us know your preferred means of phone or email contact in the box below. Thanks again.

Open-ended text box: [_____]